S.B. Criminal Revision Petition NO.735/2006
(Latif Shah Vs. State & Ors.)

Date of order : 22.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. D.K. Gaur, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and gone through the impugned order as well as the record of the case.

In this case, after filing of the final report by the Police, protest petition was filed by the complainant-petitioner for taking cognizance against non-petitioner No.2. Vide order dated 1.12.2004, the trial court took cognizance against the non-petitioner No.2 and other persons. The said order was challenged by non-petitioner by way of filing revision petition before Additional Sessions Judge (Fast Track) No.3, Bikaner. Vide impugned order dated 17.6.2006, the revisional court accepted the revision petition filed by non-petitioner No.2 and set aside the order dated 1.12.2004 whereby cognizance was taken against non-petitioner No.2. I see no reason to interfere with the impugned order.

At this juncture, learned counsel for the petitioner submits that he may be permitted to file an

application for taking cognizance against non-petitioner No.2 at the stage of Section 319 Cr.P.C. when the evidence is recorded in the case. It is always open for the petitioner to file such an application in accordance with law. No direction is required to be given by this Court in this regard.

In this view of the matter, the revision petition is dismissed. Record of the case be sent back forthwith.

(GOPAL KRISHAN VYAS), J.

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